



Agenda Date: 5/10/00  
Agenda Item: IV-B

## **STATE OF NEW JERSEY**

### ***Board of Public Utilities***

**Two Gateway Center  
Newark, NJ 07102**

#### **CABLE TELEVISION**

IN THE MATTER OF THE PETITION OF	)	<b><u>RENEWAL</u></b>
CLEAR CABLEVISION, INC. D/B/A	)	<b><u>CERTIFICATE OF APPROVAL</u></b>
ADELPHIA CABLE COMMUNICATIONS	)	
FOR RENEWAL OF A CERTIFICATE OF	)	
APPROVAL TO CONTINUE TO OPERATE	)	
AND MAINTAIN A CABLE TELEVISION	)	
SYSTEM IN THE TOWNSHIP OF DOVER,	)	
COUNTY OF OCEAN, STATE OF	)	
NEW JERSEY	)	<b>DOCKET NO. CE00010029</b>

Meyner and Landis, Newark, New Jersey, by Francis R. Perkins, Esq., for the Petitioner.

Township Clerk, Township of Dover, New Jersey, by Marion Knipe, for the Township.

#### **BY THE BOARD:**

On January 30, 1975, the Board granted Clear Television Cable Corporation ("Clear TV") a Certificate of Approval in Docket No. 746C-6028, for the construction, operation and maintenance of a cable television system in the Township of Dover ("Township"). On April 26, 1984, in Docket No. 8312C-7044, the Board approved the transfer of the Certificate of Approval from Clear TV to Adelphia Cablevision, Inc. ("Petitioner"), which order was subsequently amended on January 25, 1985. On June 18, 1991, the Board approved a Renewal Certificate of Approval for the Borough in Docket No. CE89121023. Although the Petitioner's Certificate expired on January 30, 2000, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on April 30, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On December 14, 1999, the Township, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner.

On January 18, 2000, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. On March 22, 2000, the Petitioner formally accepted the terms and conditions of the ordinance in accordance with N.J.S.A. 48:5A-24, and on March 31, 2000, the Petitioner amended its petition to reflect acceptance of the ordinance.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete. The franchise territory for this Renewal Certificate of Approval is for the mainland portion of the Township. The remainder of the Township, the barrier beach portion, is served by Cablevision of Monmouth, Inc. under Docket No. CE92010059, which approval is due to expire January 13, 2002.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds this to be reasonable.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner will maintain a local business office, within a reasonable proximity of its service area, for the purpose of receiving, investigating and resolving complaints. The local offices currently serving this provision are located at 830 Route 37 West in Toms River and the Whiting Shopping Center on Route 530 in Manchester Township.
8. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall utilize the line extension policy attached to the Certificate as

Appendix "I". The minimum homes per mile figure ("HPM") is 35.

10. The Petitioner has agreed to provide public, educational and governmental ("PEG") access facilities and equipment in accordance with its renewal consent application and the municipal consent ordinance. The Petitioner provides one channel for governmental use, to be shared by the Township Police Department. The Petitioner also maintains one educational access channel for high schools and one educational access channel for Ocean County Community College. The Petitioner also provides a local origination channel, on which the Petitioner has agreed to continue to provide local programming and news. The Petitioner provides some studio and portable equipment for access users.
11. The Petitioner shall provide installation and one outlet of basic monthly service to each school and/or library in the Township free of charge. Schools shall be interconnected on "B" cable for one channel forward and one channel return, with one channel on the subscriber's cable in the forward direction.
12. The Petitioner shall continue to provide the Toms River Regional School System with free Internet services, as they have in the past.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system for the mainland portion of the Township. This Renewal Certificate of Approval shall not be construed to grant rights to the Petitioner to serve the barrier beach portion of the Township, currently served by Cablevision of Monmouth, Inc., under Docket No. CE92010059.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on January 30, 2010.

DATED: May 15, 2000

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

HERBERT H. TATE  
PRESIDENT

(signed)

CARMEN J. ARMENTI  
COMMISSIONER

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

ATTEST:

(signed)

EDWARD D. BESLOW  
ACTING SECRETARY